

Remarks

Claims 1, 3-10, 12-13, and 15-20 are pending in this application. Claims 2, 11, and 14 have been cancelled herein, and independent claims 1, 8, and 13 have been amended to include the limitations of the cancelled claims. The Examiner has rejected claims 1-11 and 13-20 as being obvious under 35 U.S.C. 103(a) over “Kernel Korner Writing a Linux Driver” by Matia (hereinafter “Matia”) in view of “SCONE: Using Concurrent Objects for Low-level Operating System Programming” by Itoh (hereinafter “Itoh”). The Examiner has additionally rejected claim 12 under 35 U.S.C. 103(a) over Matia in view of Itoh and further in view of U.S. Patent No. 6,754,858 to Broman (hereinafter “Broman”).

A. The Combination of Matia and Itoh Does Not Establish a Prima Facie Case of Obviousness as to Independent Claims 1, 8, and 13

Applicants respectfully submit that a prima facie case of obviousness has not been established and that a rejection of the pending claims on obviousness grounds is improper. A prima facie case of obviousness requires a showing that all of the claim limitations of the rejected claims are taught or suggested by the prior art. Manual of Patent Examining Procedure 2143 and 2143.03. The establishment of a prima facie case of obviousness requires that *all* the claim limitations be taught or suggested by the prior art. MPEP 2143.01 (emphasis added). “All words of a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970). Here, a prima facie case of obviousness is not established because (a) the combination of Matia and Itoh does not disclose or suggest the kernel and the device driver (or some portion of the device driver, such as the executable module compiled from the service layer) having naming conventions for their function calls that are associated or the same; and (b) the combination of Matia and Itoh

does not disclose or suggest the step of “compiling the service layer against the kernel . . . after each modification to the kernel.”

1. The Combination of Matia and Itoh Does Not Disclose or Suggest a Naming Convention for Function Calls that is the Same for the Kernel and the Device Driver

According to the Examiner, with respect to dependent claims 2, 11, and 14 (now incorporated into independent claims 1, 8, and 13, respectively), Matia teaches associating the naming convention of function calls in the kernel to the naming convention of expected function calls in the device driver. (Office Action, p.4-5) However, the cited portion of Matia (“perform a call, page 2”) does not teach or suggest associated or similar naming conventions for function calls in a kernel and device driver. At best, the cited portion of Matia discusses performing calls from shell and library functions to “a low level function of the OS.” (Matia, p.2) However, nowhere does Matia discuss naming conventions of the kernel or device drivers, and specifically, Matia does not teach or suggest that the naming convention of function calls in the kernel and a device driver be associated (or the same), as required by each of the independent claims, as amended. The Examiner has not cited to Itoh as remedying this deficiency of Matia, and as such, all of the claim limitations are not taught or suggested by the prior art. For at least this reason, the Examiner’s obviousness rejection of claims 1, 8, and 13 should be withdrawn.

2. The Combination of Matia and Itoh Does Not Disclose or Suggest Compiling the Driver against the Kernel after Each Modification to the Kernel

The Examiner stated in the Response to Arguments, “once the kernel calls drivers, and the driver is compiled after modification; it means the driver recompilation against the kernel and to integrate into the kernel (page 2 and 7).” (Office Action, p.8) Applicants disagree with the Examiner’s assertion that Matia discloses a driver recompilation against the kernel after each modification to the **kernel**. The Examiner has only pointed to pages 2 and 7 of Matia without

referring in any way to the claim limitation of compiling the driver against the kernel after each modification to the kernel. Page 2 of Matia describes drivers generally, but does not concern driver compilation. Additionally, pages 6-7 of Matia fail to teach or suggest that the driver is compiled against the kernel after each modification to the kernel.

Matia concerns the recompilation of the device driver following a modification to the device driver. As an example, on page 8 of Matia, under the heading “Implementation of Driver Functions”, the user is given instructions on “programming your own driver.” These instructions continue through page 10 and concern steps for recompiling the driver following a modification *to the driver itself* and **not** to the kernel. Page 10 of Matia, for example, concerns the “task of integrating the driver into the kernel” and describes the step of “re-compile the driver.” The recompilation of Matia, however, occurs after a modification to the **driver**, and **not** after each modification to the **kernel**, as required by the independent claims of the application.

Additionally, on page 11 of Matia, the user is told that it is recommended that the driver be compiled **alone** before linking the kernel. This is not the same as compiling the service layer **against the kernel**, as required by the independent claims. Additionally, Matia, on page 11, describes configuring the kernel after compiling the driver alone. Matia does not disclose the element of the independent claims that requires that the server layer be compiled against the kernel **after** each modification to the **kernel**. The Examiner does not refer to Itoh as disclosing or suggesting these elements. Because these elements of the claims are not taught or suggested by Matia in combination with Itoh, a prima facie case of obviousness cannot be established by the combination of Matia and Itoh. As such, the rejection of claims 1, 8, and 13 should be withdrawn.

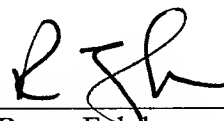
B. Dependent Claims 3-7, 9-10, 12, and 15-20

Dependent claims 3-7, 9-10, 12, and 15-20 will not be discussed individually herein, as these claims depend, either directly or indirectly, from an otherwise allowable base claim.

Conclusion

Applicants respectfully submit that the pending claims 1, 3-10, 12-13, and 15-20 of the present invention, as previously amended, are allowable. Applicants respectfully request that the rejection of the pending claims be withdrawn and that these claims be passed to issuance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Fulghum', is written over a horizontal line.

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Date: June 26, 2007